

LAW OFFICE OF KARRY W. WANG
3342 Park Ridge Dr.
Richmond, CA 94806

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TO:	FROM:
Nay Maung/Tilahun Gesesse	Karry W. Wang <i>KW</i>
COMPANY:	DATE:
USPTO	2/7/2005
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
(703) 872-9306	1
PHONE NUMBER:	SENDER'S FAX NUMBER:
(703) 308-7745	510-223-8818
RE:	
Pat. App. No. 10/022,186	

Dear Nay Maung,

I appreciate you taking the time to discuss the above-referenced application with me this morning. Please fax your interview statements to the number provided above. We intend to file the petition as soon as possible.

I respectfully disagree with your statement that an amendment of the claims automatically enables an examiner to issue a final office action, especially in this case where a new set of references was cited and where the claims do not substantially differ from those that were originally filed. The following is a direct quote from the MPFP Section 706.07 Final Rejection:

Before final rejection is in order a clear issue should be developed between the examiner and applicant... **Switching . . . from one set of references to another by the examiner in rejecting in successive actions claims of substantially the same subject matter will tend to defeat attaining the goal of reaching a clearly defined issue for an early termination, i.e., either an allowance of the case or a final rejection.**

While the rules no longer give to an applicant the right to 'amend as often as the examiner presents new references or reasons for rejection,' present practice does not sanction hasty and ill-considered final rejections.

I look forward to receiving your interview statements via facsimile.

Regards,

Karry W. Wang